

JOHN HONNOLD AND INTERNATIONAL ARBITRATION RULES

PIETER SANDERS[†]

John Honnold's name is closely associated with the United Nations Commission on International Trade Law (UNCITRAL) Arbitration Rules. On December 15, 1976, the General Assembly adopted these Rules without further debate. For the three years preceeding their adoption John Honnold was the person responsible in large part for ensuring that the Rules were properly developed. During this period I had the privilege to serve as Counsel to the UNCITRAL Secretariat and to work closely with John.

About a year after work had begun on the Rules and several early drafts had been circulated, a document entitled "A Preliminary Draft Set of Arbitration Rules for Optional Use in *Ad Hoc* Arbitrations Relating to International Trade" was published in 1974.¹ This draft was the focus of discussion in a meeting chaired by Donald B. Straus of the United States at the Fifth International Arbitration Congress of the International Council for Commercial Arbitration held in New Delhi in January 1975. The discussion, which involved several hundred experts in arbitration law, was in fact a massive hearing and very useful for the development of the Rules. The record of these proceedings, which has not received the distribution it deserves, is published by the Indian Council of Arbitration.²

As Donald Straus cogently remarked at the meeting, the effort of John Honnold and others to develop "a truly universally acceptable set of [arbitration] rules . . . which are equally comfortable or, if I may say so, equally uncomfortable for the users, whether in common law countries, the socialist countries or the Civil Law Countries"³ was part of "a very historic process."⁴ This process was one of "developing truly

[†] Professor of Comparative Law Emeritus, Erasmus University, Rotterdam, Netherlands. Consultant to the UNCITRAL Secretariat in the preparation of the UNCITRAL Arbitration Rules.

¹ Report of the Secretary General: Preliminary Draft Set of Arbitration Rules for Optional Use in *Ad Hoc* Arbitration Relating to International Trade (UNCITRAL Arbitration Rules), U.N. Doc. No. A/CN.9/97, reprinted in [1975] 6 UNCITRAL Yearbook 163, U.N. Sales No. E.76.V.5 (1976).

² Proceedings, The Vth International Arbitration Congress: Jan. 7-10, 1975, New Delhi (Indian Council of Arbitration 1975).

³ *Id.* at D4.

⁴ *Id.* at D3.

world-wide universal rules [of arbitration].”⁵ For Straus, the adoption of UNCITRAL Arbitration Rules was one of the “three legs” upon which that universal arbitration system would stand.⁶

John Honnold was of course present at the New Delhi meeting. At the end of the meeting’s second day, John provided a sense of the challenge involved in preparing international rules for arbitration. He rejected the suggestion that the international arbitration rules should merely be an amalgam of national laws and thereby “sink to the lowest common denominator” of national practice. Although he developed the point in detail, he stated the central proposition in one sentence: “The choice that we have felt necessary and advisable to make is to establish those rules which would have optimal value and hope that [the] legal systems which are incompatible with those rules in time may change.”⁷

I have quoted this comment because it characterizes John Honnold’s attitude toward the fascinating task UNCITRAL and its Secretariat have to fulfill and his sensitivity to the problems of unifying international law. His remarks, made almost a decade ago, are still valid today. UNCITRAL and the arbitration world at large owe a great deal to John Honnold.

⁵ *Id.*

⁶ *Id.* at D4.

⁷ *Id.* at D77.